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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

COLT INTERNATIONAL
CLOTHING INC. dba COLT LED, a
California corporation,,

Plaintiff,

v.

QUASAR SCIENCE, LLC, a California
limited liability company; and
CINELEASE, INC, a Nevada
corporation,

Defendant.

And Related Counter-Claims

Case No. 2:16-cv-03040 AB (JEMx)

**ORDER TO QUASAR TO SHOW
CAUSE FOR LACK OF
PROSECUTION AS TO ITS
COUNTERCLAIM'S III
THROUGH V**

1 On September 27, 2019, the Court issued an order granting Defendant
2 Cinelease's motion for summary judgment of invalidity of the claims of U.S. Patent
3 No. 9,239,134. Dkt. 183. Cinelease was directed to file a proposed final judgment
4 within 14 days of the issuance of the order. *Id.* at 20. On October 10, 2019, *both*
5 Defendants Quasar and Cinelease jointly filed a proposed final judgment. Dkt. 184.
6 The objection period for Defendants' proposed final judgment has run, and no
7 objections were filed by Plaintiff. *See* L.R. 52-4, 52-7, 52-8, 58-4.

8 Defendants' proposed judgment invokes Rule 54(b), which permits a court to
9 direct entry of a final judgment as to fewer than all claims when it "expressly
10 determines that there is no just reason for delay." *See* Rule 54(b). The proposed
11 judgment further refers to the fact that Defendant Quasar has filed five
12 counterclaims in this action. Quasar's counterclaims include counterclaims for
13 declaratory judgment patent noninfringement and invalidity (Counts I and II), as
14 well as claims for Unfair Competition (Count III), Intentional Interference in
15 Economic Relations (Count IV), and Negligent Interference in Economic Relations
16 (Count V). Dkt. 33. Quasar's counterclaims III through IV are not referenced in
17 Defendants' proposed final judgment.

18 Quasar's counterclaims III through IV have been pending in this action since
19 July 11, 2016. *Id.* The parties' purported bases for the joint stays and significant
20 delays of prosecution of this matter have been premised on the parties' patent
21 disputes, with no reference made to these counterclaims. Further, although the Court
22 issued a determination regarding the parties' patent disputes on September 27, 2019
23 and no schedule is currently active in this matter, Quasar has not requested a new
24 pretrial schedule with respect to these counterclaims even though over a month has
25 passed.

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1 Quasar is **ORDERED TO SHOW CAUSE** in writing within five days of this
2 Order why its counterclaims III through IV should not be dismissed for lack of
3 prosecution.
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5 Dated: October 29, 2019
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A handwritten signature in black ink, appearing to read "André Birotte Jr.", written over a horizontal line.

André Birotte Jr.
United States District Judge
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